

and affectionately oppose the Akaka amendment.

I yield the floor, and I thank the Chair.

EXECUTIVE SESSION

NOMINATION OF BRIAN C. WIMES TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS OF MISSOURI

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Brian C. Wimes, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate, equally divided and controlled in the usual form.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see the distinguished Senator from Missouri on the floor, Mr. BLUNT. I know he has a Republican leadership meeting he needs to get to. I yield such time as he needs on the Republican reserved time, with the understanding that when he finishes, it will go back to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. BLUNT. Mr. President, I thank my good friend for yielding and for taking consideration of my schedule.

I rise to support Judge Brian Wimes as the nominee for the Eastern and Western Districts of Missouri. He spent his entire career working in the public sector. He has been involved in many groups and organizations dedicated to serving disadvantaged individuals.

He was born in Kansas City, MO. He earned his bachelor's degree in political science from the University of Kansas. We don't hold that against him. He got his law degree from the Thurgood Marshall School of Law at Texas Southern University in 1994.

When he graduated, he became the attorney advisor for the litigation branch of the Federal Bureau of Prisons at the Department of Justice here in Washington. Judge Wimes represented the Bureau in civil actions by inmates throughout the country.

In 1995, he left the Bureau and became an assistant prosecuting attorney for the Jackson County prosecutor's office in Kansas City.

Beginning in 2001, Judge Wimes served as the Jackson County drug court commissioner for more than 5 years. The drug courts in our State, and in other places, have served a good and integral role in combating drug abuse. The drug court is a program that offers nonviolent first-time offenders a chance to participate in an

outpatient-based treatment program rather than to face prosecution. More than 1,200 people have graduated from the Jackson County drug court. More than 96 percent of those people were conviction free 5 years after their graduation.

As a prosecutor, Judge Wimes received national honors, including being named Rookie Prosecutor of the Year during his first year in the Jackson County prosecutor's office.

In 2002, he was honored as a member of Ingram magazine's 40 under Forty. In 2009, the Call Newspaper recognized him as one of the 25 most influential African Americans in Kansas City.

He has been deeply involved in Big Brothers and Big Sisters and Hope House Domestic Violence Shelter. He is a member of St. Monica's Catholic Church.

In 2007, Judge Wimes was appointed by my son Governor Matt Blunt to serve on the 16th Judicial Circuit Court of Jackson County, MO. If Matt Blunt made any mistakes as Governor, this was not one of them. Judge Wimes has continued not only to serve on the court but to serve on boards in Kansas City for the Kansas City Youth Court, which is affiliated with the UMKC School of Law as well as the Criminal Justice Advisory Board of the Penn Valley Community College in Kansas City, the Mental Health Association of the Heartland.

I believe his experience makes him a highly qualified judicial nominee, and he will serve the American people well in this job. I am supportive of him.

Mr. President, I have a statement on another matter that I also mentioned to my friend from Vermont that I will make while I am here, and I ask that it appear separately in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BLUNT are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, regaining my time on this side, I appreciate the Senator from Missouri speaking about Brian Wimes. Today, the Senate will finally vote on the nomination of Brian Wimes to fill a judicial vacancy in the U.S. District Court for the Western and Eastern Districts of Missouri. This nomination has had the support of both his home state Senators, Senator McCASKILL and Senator BLUNT. The Judiciary Committee voted to report the nomination favorably over four months ago. There is no justification for this unnecessary delay.

The Senate is still so far this year only considering judicial nominations that could and should have been confirmed last year. We will conclude the first four months of this year having only considered judicial nominees who should have been confirmed before recessing last December. We have yet to get to any of the nominees we should be considering this year because

of Republican objections to proceeding more promptly.

With nearly one in 10 judgeships across the Nation vacant, the judicial vacancy rate remains nearly twice what it was at this point in the first term of President George W. Bush when we lowered vacancy rates more than twice as quickly. The Senate is 33 confirmations of circuit and district court judges behind the number at this point in President Bush's fourth year in office. We are also 66 confirmations from the total of 205 that we reached by the end of President Bush's fourth year.

As I noted earlier this month, the Federal judiciary has been forced to operate with the heavy burden of 80 or more judicial vacancies for nearly three years now. There are 22 judicial nominees on the Senate Executive Calendar ready for final consideration and a vote, not just this one. Action on those 22 nominees would go a long way toward easing the burden on the Federal courts and ensuring that all Americans have Federal judges available so that they can have the quality of justice that they deserve.

Some Senate Republicans seek to divert attention by suggesting that these longstanding vacancies are the President's fault for not sending us nominees. The fact is that there are 22 outstanding judicial nominees that can be confirmed right now, but who are being stalled. Let us act on them. Let us vote them up or down. When my grandchildren say they want more food before they finish what is on their plate, my answer is to urge them to finish the food already on their plate before asking for seconds or dessert. To those Republicans that contend it is the White House's fault that they are not agreeing to proceed to consider the judicial nominees we do have more quickly, I say let us complete Senate action on these 22 judicial nominees ready for final action. There are more working their way through Committee, and the Senate can act responsibly to help fill some of the most pressing vacancies plaguing some of our busiest courts if we proceed to these nominations now.

For instance, the Ninth Circuit is by far the busiest circuit in the country. The Senate has yet to vote on the long-delayed nomination of Judge Jacqueline Nguyen of California to fill one of the judicial emergency vacancies plaguing the Ninth Circuit. Hers was one of the nominations ready to be confirmed last year that will be delayed five months before her confirmation to fill that judicial emergency vacancy. Republicans have insisted that her vote be delayed until next month. There are two additional Ninth Circuit nominees to fill judicial emergency vacancies who are ready for final votes but for which Senate Republicans have not agreed to schedule votes. Paul Watford of California and Justice Andrew Hurwitz of Arizona were both voted favorably from the Senate Judiciary Committee earlier this year.

There is no good reason for delay. The 61 million people served by the Ninth Circuit are not served by this delay. The Circuit is being forced to handle double the caseload of any other without its full complement of judges. The Senate should be expediting consideration of the nominations of Judge Jacqueline Nguyen, Paul Watford, and Justice Andrew Hurwitz, not delaying them.

The Chief Judge of the Ninth Circuit, Judge Alex Kozinski, a Reagan appointee, along with the members of the Judicial Council of the Ninth Circuit, have written to the Senate emphasizing the Ninth Circuit's "desperate need for judges," urging the Senate to "act on judicial nominees without delay," and concluding "we fear that the public will suffer unless our vacancies are filled very promptly." The judicial emergency vacancies on the Ninth Circuit are harming litigants by creating unnecessary and costly delays. The Administrative Office of U.S. Courts reports that it takes nearly five months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits. The Ninth Circuit's backlog of pending cases far exceeds other Federal courts. As of September 2011, the Ninth Circuit had 14,041 cases pending before it, more than three times that of the next busiest circuit.

If caseloads were really a concern of Republican Senators, as they contended last year when they filibustered the nomination of Caitlin Halligan to the D.C. Circuit, they would not be delaying the nominations to fill judicial emergency vacancies in the Ninth Circuit. If caseloads were really a concern, Senate Republicans would consent to move forward with all three of these Ninth Circuit nominees to allow for up or down votes by the Senate without these months of unnecessary delays.

Delay is harmful for everyone, but mostly to the American public. Right now, 150 million Americans live in districts and circuits with vacancies that could be filled if Senate Republicans would simply vote on the 22 judicial nominations ready for final Senate action.

I also note that of the current vacancies without a nomination, 28 involve Republican home state Senators. This is a President who has tried to work with home state Senators from both parties on his nominations. There are also an additional seven nominations on which the Senate Judiciary Committee cannot proceed because Republican Senators are withholding support.

I congratulate Senator MCCASKILL for her success in getting this vote on the nomination of Judge Wimes. He is currently a judge on the 16th Judicial Circuit Court of Missouri. He previously served as the Jackson County Drug Court Commissioner and as an assistant prosecuting attorney in the Jackson County Prosecutor's Office. Judge Wimes has the strong support of

Senator CLAIRE MCCASKILL and is also supported by Senator BLUNT. He and his family have been waiting for this day since the Judiciary Committee in an overwhelming, bipartisan manner voted to send his name to the Senate on December 15th of last year.

Today's vote is pursuant to the agreement reached by the Majority Leader and the Republican leader last month. To make real progress, however, the Senate needs to go beyond the nominations included in that limited agreement to include the other 16 judicial nominations currently before the Senate for a final vote and the three judicial nominees who should be reported by the Judiciary Committee this week. Let us work in a bipartisan fashion to confirm these qualified judicial nominees so that we can help alleviate the judicial vacancy crisis and so they can serve the American people.

Mr. GRASSLEY. Mr. President, this afternoon we are considering the nomination of Brian C. Wimes, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri. Again, we are moving forward under the regular order and procedures of the Senate. With today's nomination we will have confirmed 78 judicial nominees during this Congress. With the confirmations today, the Senate will have confirmed more than 75 percent of President Obama's judicial nominations. I would note that in 3 years of President Obama's term, we will have confirmed four nominees as a District Judge in Missouri. This is the same number President Bush had confirmed in his 8 years.

Judge Wimes is a 1990 graduate of the University of Kansas. He received his law degree in 1994 from Thurgood Marshall School of Law, Texas Southern University. Upon graduation from law school, Judge Wimes became an attorney advisor in the litigation branch of Federal Bureau of Prisons in Washington, DC. He represented the Bureau in civil actions by inmates throughout the country. In 1995, the nominee left the Bureau and became an assistant prosecuting attorney for the Jackson County Prosecutor's Office in Kansas City, MO until 2001. During his time there, he served as coordinator for the drug abatement response team; was the East Patrol community prosecutor, acting as office liaison to the community; and, in 1999, became the senior trial attorney for the drug unit. In this position he prosecuted cases involving major crimes with an emphasis on drug-related homicides.

In 2001, Judge Wimes became the drug court commissioner for the court for Jackson County, MO. He was appointed for two, 4-year terms. He presided over 400 assigned cases to drug court, with a caseload of 120 to 150 docketed cases per week.

After serving as the drug court commissioner for Jackson, Judge Wimes was appointed by then-Governor Matt Blunt to serve as the circuit court judge for the 16th Judicial District,

Jackson County, MO. He was appointed in 2007, and retained in the 2008 election cycle.

As a circuit court judge, Judge Wimes has presided over approximately 29 criminal trials and 25 civil trials that have gone to judgment. From 2008 to 2009, Judge Wimes was assigned to the family court division and heard over 500 domestic cases to judgment as well.

A substantial majority of the ABA Standing Committee on the Federal Judiciary gave him a unanimous rating of qualified.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Brian C. Wimes, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "nay."

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 67 Ex.]

YEAS—92

Akaka	Brown (MA)	Coons
Alexander	Brown (OH)	Corker
Ayotte	Burr	Cornyn
Barrasso	Cantwell	Crapo
Baucus	Cardin	Durbin
Begich	Carper	Enzi
Bennet	Chambliss	Feinstein
Bingaman	Coats	Franken
Blumenthal	Coburn	Gillibrand
Blunt	Cochran	Graham
Boozman	Collins	Grassley
Boxer	Conrad	Hagan

Harkin	Lugar	Rockefeller
Hatch	Manchin	Rubio
Heller	McCaskill	Sanders
Hoeven	McConnell	Schumer
Hutchison	Menendez	Sessions
Inhofe	Merkley	Shaheen
Isakson	Mikulski	Shelby
Johanns	Moran	Snowe
Johnson (SD)	Murkowski	Stabenow
Johnson (WI)	Murray	Tester
Kerry	Nelson (NE)	Thune
Klobuchar	Nelson (FL)	Udall (CO)
Kohl	Paul	Udall (NM)
Kyl	Portman	Warner
Landrieu	Pryor	Webb
Lautenberg	Reed	Whitehouse
Leahy	Reid	Wicker
Levin	Risch	Wyden
Lieberman	Roberts	

NAYS—1

Lee

NOT VOTING—7

Casey	Kirk	Vitter
DeMint	McCain	
Inouye	Toomey	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session. The Senator from Minnesota.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011—MOTION TO PROCEED—Continued

POSTAL REFORM

Ms. KLOBUCHAR. Madam President, I rise to discuss the importance of addressing the financial challenges now facing the U.S. Postal Service and our critical need to ensure that it remains a strong and reliable resource for the people of our country.

The American Postal Service was created over two centuries ago as a function of the Federal Government, acknowledged in the U.S. Constitution. In those last 220 years, the way we send mail and exchange correspondence has changed dramatically. We no longer need a stamp or an envelope; we can just shoot an e-mail or sign onto Facebook.

But even with all these changes, the fact remains that no matter who you are or where you live, odds are that the post office plays a vital role in your daily life. Seniors rely on the Postal Service to receive their medications, businesses rely on it to ship and receive goods, and countless jobs hinge on its services, both directly and indirectly.

No matter how far we have come with technology in this digital age, there are some things that simply cannot be sent by e-mail. That is why reliable timely mail service is something all Americans should be able to count on.

I have heard from numerous people in my State about the negative impact the closure of certain post offices or

mail processing facilities would have on their communities. I have heard from State and local leaders about the impact of closing the mail processing facilities in Duluth and Bemidji. I have heard from farmers who actually get their goods and ship their products through those mail processing centers.

That is why I have worked with Senator SANDERS and roughly 25 of my colleagues in the Senate, including Senator DURBIN—one-fourth of the entire Senate—to negotiate changes to this original bill. I thank Chairman LIEBERMAN and Senators COLLINS and CARPER for their great leadership. I am glad about some of the changes they have made.

The substitute amendment would, in fact, keep at a minimum 100 mail processing plants that are currently scheduled to close, and they would remain open for at least 3 years. Overnight delivery standards in regional areas will be protected. A large number of rural post offices that are being studied for closure will remain open.

I am a cosponsor of the amendment to the legislation that would provide important safeguards before closing mail processing facilities, and I have also cosponsored the McCaskill-Merkley amendment that would establish a 2-year moratorium on closing rural post offices and recognize the concerns of rural residents.

There is no doubt that changes need to be made to the Postal Service to make it more competitive in the digital world. I think a lot of those changes are contained in the substitute amendment. We can even make it stronger. I strongly believe we can reach a balance that makes necessary reforms, while maintaining the quick service on which Americans have come to rely.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

NLRB RULES

Mrs. MURRAY. Madam President, I come to the Senate floor this evening to express my strong opposition to the resolution of disapproval filed by Senate Republicans that seeks to overturn critical new NLRB rules that will protect workers across America. I strongly urge my colleagues to oppose it. Some of our colleagues on the other side of the aisle frequently complain about how we spend our time on the Senate floor. Today, I have to say I am disappointed that we are being forced to spend valuable time on this issue.

Middle-class families across America are continuing to struggle in this very tough economy, and it is hard to understand why Senate Republicans want to spend time attacking an agency's mission to protect workers and employers and is critical to protecting access to the middle class for workers and families.

Thankfully, as we all know, our economy seems to be stepping back from the precipice. But for so many workers today paychecks still have not caught

up, benefits continue to slip away, hours are getting cut, and job security is eroding. That is why I was very glad that at the end of last year, the NLRB voted to adopt modest commonsense rules that would make it easier for workers to fight for fair treatment in the workplace and help bring NLRB into the 21st century.

These new rules aren't going to solve every problem, but they are a step in the right direction and will help workers and families across the country. The new NLRB rules will strengthen and streamline the voting process by reducing unnecessary litigation and intentional delays. It will streamline pre- and postelection procedures, and it will facilitate the use of electronic communications and document filing. Those are all commonsense steps that should not be controversial.

I am extremely disappointed that Senate Republicans want to now eliminate these rules and roll back the clock on worker protections. The resolution we are going to vote on would eliminate steps to standardize and add transparency to the employee election process. It would eliminate steps that reduce frivolous litigation and create a more cohesive and productive workplace for workers and businesses. It will fundamentally weaken NLRB processes and procedures that workers and businesses rely on when they are trying to settle disputes.

It is bad for business, bad for working families, and it should not pass. Workers across this country deserve a fair process in the workplace. The NLRB rule this resolution would eliminate removes some of the unfair and unnecessary roadblocks so many workers face every day. I have to say that while we are discussing this issue, I want to express my disappointment and anger at the recent report from the inspector general about improper and politicized activities by a current Republican member of the NLRB board, an individual who previously worked for another board member who is a former staffer for a Republican Member of the Senate. That report details multiple instances of ethics misconduct, including the sharing of confidential information with outside parties. I am hopeful that issue will be fully investigated. I am deeply worried about the actions some people will take to undermine an agency with a mission to protect the rights of workers and employers. And honestly, I find it to be a sad statement about the nature of our politics today, because the NLRB is doing a lot of good work for workers in America and it shouldn't be tarnished with this sort of ethics issue.

This agency has borne the brunt of political attacks over the last year from special interest groups and elected officials trying to score political points at the expense of workers and families. Many of these attacks have been inaccurate; many have been unfair. Some have used the case involving Boeing and workers in my home State